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EXAMINER

ERB, Nathan

ART UNIT	PAPER NUMBER
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3639

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/070,265	Applicant(s) NISHIYAMA, KOHEI	
	Examiner Nathan Erb	Art Unit 3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☒ Claim(s) 1-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20020225</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1-8 are objected to because of the following informalities:
  - a. In the third line of claim 1, please replace the word "Fundamental" with --fundamental--.
  - b. In the fifth line of claim 1, please replace the word "Answer" with --answer--.
  - c. In the first line of claim 2, please replace the word "A" with --The--.
  - d. In the first line of claim 3, please replace the word "A" with --The--.
  - e. In the first line of claim 4, please replace the word "A" with --The--.
  - f. In the first line of claim 5, please replace the word "A" with --The--.
  - g. In the first line of claim 6, please replace the word "A" with --The--.
  - h. In the first line of claim 7, please replace the word "A" with --The--.
  - i. In the first line of claim 8, please replace the word "A" with --The--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 5, 7-8, 10, and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per **Claim 5**, claim 5 recites the limitation "the answerer" in the third line of the claim. There is insufficient antecedent basis for this limitation in the claim.

As per **Claim 7**, claim 7 recites the limitation "the answerer" in the third line of the claim. There is insufficient antecedent basis for this limitation in the claim.

As per **Claim 7**, claim 7 recites the limitation "estimate information" on the fourth line of the claim. It is unclear what is meant by term "estimate information." In other words, what quantities are represented by the "estimate information"?

As per **Claim 8**, on the ninth line of the claim, the phrase "an expected amount of sales" appears. The phrase "an expected amount of sales" appears above on the fifth line of claim 8. It is unclear whether the same or a different "expected amount of sales" is being referred to.

As per **Claim 8**, claim 8 recites the limitation "the user" in the tenth line of the claim. There is insufficient antecedent basis for this limitation in the claim.

As per **Claim 8**, claim 8 recites the limitation "estimate information" on the fourth and fifth lines of the claim. It is unclear what is meant by term "estimate information." In other words, what quantities are represented by the "estimate information"?

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As per **Claim 8**, claim 8 recites the limitation of “a function of performing a comparison operation by comparing an expected amount of sales calculated through the multiplication on the basis of the increased desired purchasing prices with an estimated price” in the last three lines of the claim. This limitation is unclear because it is comparing an expected amount of sales (a quantity based on the total amount of items to be sold) with an estimated price (a per-item quantity). Because expected amount of sales would be equal to price times quantity of goods to be sold, it should always be greater than or equal to estimated price. Therefore, the need for a comparison between the two quantities is unclear. In addition, applicant’s specification fails to offer guidance into what is meant by this comparison or how this comparison fits into the invention as a whole. Thus, this limitation makes claim 8 indefinite, and this limitation appears to be a typographical error.

As per **Claim 10**, on the second line of the claim, the phrase “a network” appears. The phrase “a network” appears above on the first line of claim 10. It is unclear whether the same or a different “network” is being referred to.

As per **Claim 10**, claim 10 recites the limitation “the answer recording file” in the ninth line of the claim. There is insufficient antecedent basis for this limitation in the claim.

As per **Claim 10**, the claim fails to disclose how the demand forecast and the planned selling price are calculated from the answer recording file. The claim also fails to disclose what

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the condition of said planned selling price is. Without this information, it is impossible to determine just what applicant's claimed invention is.

As per **Claim 12**, claim 12 recites the limitation "the answer recording file" in the ninth line of the claim. There is insufficient antecedent basis for this limitation in the claim.

As per **Claim 12**, the claim fails to disclose how the demand forecast and the planned selling price are calculated from the answer recording file. The claim also fails to disclose what the condition of said planned selling price is. Without this information, it is impossible to determine just what applicant's claimed invention is.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language

5. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Henson, U.S. Patent No. 6,167,383.

As per **Claim 1**, Henson discloses:

- a system (column 1, lines 1-3; the apparatus here is a system);

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- for collecting commodity specifications (column 2, line 61, through column 3, line 12; the commodity here is a computer; the specifications are the options selected by the user);
- related customer information (column 2, line 61, through column 3, line 12; the related customer information is the payment and delivery information);
- fundamental information presenting mechanism for presenting fundamental information concerning a commodity under development (column 4, lines 36-52; the commodity is a computer; a computer being customized is a commodity under development; the fundamental information is the "product information for the particular product");
- answer recording mechanism for receiving and recording an answer after said fundamental information is received (column 2, line 61, through column 3, line 12; column 4, lines 36-52; the answer is the options chosen by the user; the options chosen are stored in the cart).

As per **Claim 2**, Henson further discloses: wherein the answer from a recipient of the fundamental information is an answer concerning desired commodity specifications (column 4, lines 36-52; since both possible limitations for the answer from a recipient of the fundamental information are not simultaneously required, an answer concerning a wish to purchase a commodity having said presented specifications does not need to be addressed; the commodity here is a computer; the commodity specifications are the set of customization options chosen by the customer).

As per **Claim 3**, Henson further discloses: a commodity specification presenting mechanism for presenting, to an answerer, commodity specification information related to a price (Figures 3A, 3B, and 3C; column 6, lines 18-30; since both possible limitations for commodity specifications are not simultaneously required, commodity specifications corresponding to the answer from the recipient of the fundamental information does not need to be addressed).

As per **Claim 4**, Henson further discloses: wherein the fundamental information concerning the commodity under development contains a menu prepared for each element of specifications of the commodity under development, which allows an answerer to return an answer indicating the desired commodity specifications through a selection from said menu (Figures 3A, 3B, and 3C; column 6, lines 18-30; a computer being customized is a commodity under development).

As per **Claim 6**, Henson further discloses: wherein presentation of the information and reception of the answer are performed by utilizing a bidirectional communication system that uses a computer (column 4, line 53, through column 5, line 5; an Internet store utilizes a bidirectional communication system that uses a computer).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person



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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Henson in view of Tavor et al., U.S. Patent No. 6,553,347 B1. Henson further discloses: wherein the commodity specification information presented to the answerer contains a plurality of choices (Figures 3A, 3B, and 3C; column 6, lines 18-30). Henson fails to disclose wherein a user can input his or her choice for expected selling price. Tavor et al. discloses wherein a user can input his or her choice for expected selling price (column 2, lines 9-20; user makes price offers). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of Henson such that a user can input his or her choice for expected selling price, as disclosed by Tavor et al. Tavor et al. provides motivation in that allowing a user to input his or her choice for price can be part of a process that allows for the negotiation of a price between parties (column 2, lines 9-20).

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Henson in view of Van Horn et al., U.S. Patent No. 6,631,356 B1, in further view of Creese, Robert C., "Break-Even Analysis - The Fixed Quantity Approach," Transactions of AACE International, 1993, pp. A.1.1-A.1.7. Henson fails to disclose wherein the computer is provided with a commodity price calculating mechanism, which makes it possible to provide the answerer with a commodity price calculated on the basis of volume of items to be sold and a cumulative number of purchase candidates. Van Horn et al. discloses wherein the computer is provided with a commodity price calculating mechanism, which makes it possible to provide the answerer with a commodity price calculated on the basis of volume of items to be sold and a cumulative number of purchase candidates (column 6, lines 4-7; column 8, line 31, through column 9, line 44; calculates price

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based on critical mass [volume of items to be sold] and number of purchase candidates). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of Henson such that the computer is provided with a commodity price calculating mechanism, which makes it possible to provide the answerer with a commodity price calculated on the basis of volume of items to be sold and a cumulative number of purchase candidates, as disclosed by Van Horn et al. Van Horn et al. provides motivation in that since calculating price for the user allows the user to watch the price decrease as number of buyers increases, calculating price for the user encourages buyers to recruit additional new buyers (column 9, lines 11-22).

Henson and Van Horn et al. fail to disclose wherein volume of items to be sold is based on estimate (cost) information. Creese discloses wherein volume of items to be sold is based on estimate (cost) information (sections A and B; applicant's application is not clear on the meaning of "estimate information"; thus, the "estimate information" is assumed to be cost information, which could be estimated; this is a reasonable assumption because "estimate information" appears to be used in place of cost information in what appears to be a "break-even at required return" analysis in claim 8; in the reference, the volumes of items needed to be sold for various break-even points are calculated using cost information). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of Henson as modified above in this rejection such that volume of items to be sold is based on estimate (cost) information, as disclosed by Creese. Creese implicitly provides motivation in that basing the volume of items to be sold on cost information allows one to meet a desired break-even point (sections A and B).

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Henson in view of Van Horn et al. in further view of Creese in further view of Tavor et al. Henson and Creese fail to disclose the commodity price calculating mechanism. Van Horn et al. further discloses the commodity price calculating mechanism (column 8, line 31, through column 9, line 44; calculates price and displays to buyers). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of Henson as modified in the rejection for claim 7 such that it includes a commodity price calculating mechanism, as disclosed by Van Horn et al. Van Horn et al. provides motivation in that since calculating price for the user allows the user to watch the price decrease as number of buyers increases, calculating price for the user encourages buyers to recruit additional new buyers (column 9, lines 11-22).

Henson and Van Horn et al. fail to disclose a function of performing a comparison operation by comparing the estimate (cost) information with an expected amount of sales obtained by multiplying the number of units to be sold by price. Creese further discloses a function of performing a comparison operation by comparing the estimate (cost) information with an expected amount of sales obtained by multiplying the number of units to be sold by price (sections A and B; applicant's application is not clear on the meaning of "estimate information"; thus, the "estimate information" is assumed to be cost information, which could be estimated; this is a reasonable assumption because "estimate information" appears to be used in place of cost information in what appears to be a "break-even at required return" analysis in claim 8; since the only prices to be paid by buyers in applicant's application are "desired purchasing prices" [that is, prices agreed to by the buyers], any prices to be paid in reference to applicant's application can be referred to as "desired purchasing prices"; in the reference, in equation 3, the

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left side of the equation [price times number of units to be sold] is compared with the sum of costs). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of Henson as modified in the rejection for claim 7 and as modified above in this rejection such that it performs a function of performing a comparison operation by comparing the estimate (cost) information with an expected amount of sales obtained by multiplying the number of units to be sold by price, as disclosed by Creese. Creese implicitly provides motivation in that comparing cost information with an expected amount of sales allows for a break-even analysis to be performed (sections A and B).

Henson and Van Horn et al. fail to disclose it not being expected as a result of the comparison operation that an appropriate amount of profit will be generated. Creese further discloses it not being expected as a result of the comparison operation that an appropriate amount of profit will be generated (sections A, B, C, and D; this is simply the case where a process in a break-even analysis has not reached the break-even at required return point disclosed by the reference). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of Henson as modified in the rejection for claim 7 and as modified above in this rejection such that it considers when it is not expected as a result of the comparison operation that an appropriate amount of profit will be generated, as disclosed by Creese. Creese provides motivation in that performing such a break-even analysis allows one to evaluate the profitability of operations (section D).

Henson and Creese fail to disclose a function of transmitting, to each purchase wishing person, a message showing that an expected amount of sales falls below a required amount. Van Horn et al. further discloses a function of transmitting, to each purchase wishing person, a

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message showing that an expected amount of sales falls below a required amount (column 6, lines 4-7; column 9, lines 11-22; claim 12; a message indicating the number of acceptable offers necessary to reach critical mass would show when an expected amount of sales falls below a required amount, prior to the notification of claim 12). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of Henson as modified in the rejection for claim 7 and as modified above in this rejection such that it performs a function of transmitting, to each purchase wishing person, a message showing that an expected amount of sales falls below a required amount, as disclosed by Van Horn et al. Van Horn et al. provides motivation in that notifying a user when expected sales fall below a required amount would encourage users to recruit additional users to increase expected sales (column 4, lines 3-11).

Henson, Van Horn et al., and Creese fail to disclose a message requesting the user to increase the desired purchasing prices. Tavor et al. discloses a message requesting the user to increase the desired purchasing prices (column 2, lines 9-20; column 4, lines 20-40; column 6, lines 13-34; column 7, lines 9-24; column 9, lines 12-23; negotiation system will reject user price offers that are too low and make counteroffers that are higher; those responses are requests for the user to increase the desired purchasing price). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of Henson as modified in the rejection for claim 7 and as modified above in this rejection such that it sends a message requesting the user to increase the desired purchasing prices, as disclosed by Tavor et al. Tavor et al. provides motivation in that sending a message requesting the user to increase a price offer

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is part of a process that allows for the negotiation of price between parties (column 2, lines 9-20; column 4, lines 20-40; column 6, lines 13-34; column 7, lines 9-24; column 9, lines 12-23).

Henson, Van Horn et al., and Tavor et al. fail to disclose a function of performing a comparison operation by comparing an expected amount of sales calculated through the multiplication on the basis of the desired purchasing prices with an estimated price. Creese further discloses a function of performing a comparison operation by comparing an expected amount of sales calculated through the multiplication on the basis of the desired purchasing prices with an estimated price (sections A and B; this limitation has 112 issues, since it is not clear why one would compare expected amount of sales [based on a total quantity to be sold] with an estimated price [a per-unit value]; however, for purposes of prior art examination, this limitation is being construed as comparing expected amount of sales based on desired purchasing prices with cost information, as from the specification, it is believed that is what applicant intended to claim here; since the only prices to be paid by buyers in applicant's application are "desired purchasing prices" [that is, prices agreed to by the buyers], any prices to be paid in reference to applicant's application can be referred to as "desired purchasing prices"; in the reference, in equation 3, the left side of the equation [price times number of units to be sold, that is, an expected amount of sales] is compared with the sum of costs; the desired purchasing prices being increased desired purchasing prices was addressed in the Tavor reference earlier in this rejection). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of Henson as modified in the rejection for claim 7 and as modified above in this rejection such that it performs a function of performing a comparison operation by comparing an expected amount of sales calculated through the multiplication on the

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basis of the desired purchasing prices with an estimated price, as disclosed by Creese. Creese implicitly provides motivation in that comparing cost information with an expected amount of sales allows for a break-even analysis to be performed (sections A and B).

Henson, Van Horn et al., Creese, and Tavor et al. fail to disclose wherein the number of units to be sold is equal to the cumulative number of purchase candidates. However, that element/limitation was well-known in the art at the time of applicant's invention (on pp. 11-13 of applicant's specification, applicant's invention appears to assume that each purchaser will only purchase one item; under those conditions, it is well-known that a number of buyers is equal to a number of items to be sold, so the number of units in Creese's calculations is interchangeable with a number of buyers in that case). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of Henson as modified in the rejection for claim 7 and as modified above in this rejection such that the number of units to be sold is equal to the cumulative number of purchase candidates, as was well-known in the art at the time of applicant's invention. Motivation is provided in that it was well-known to a person of ordinary skill in the art at the time of applicant's invention that recognizing relationships between values allows values to be substituted for each other in mathematical processes.

10. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Horn et al. in view of Matsuzaki et al., U.S. Patent No. 5,357,439.

As per **Claims 9 and 11**, Van Horn et al. discloses:

- a commodity plan idea presenting method (column 4, lines 11-23);
- which is applied to a server (column 6, lines 48-52);

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- of a proposal type (column 4, lines 11-23; the server in the reference presents proposed products to users);

- that is connected to a network (column 10, lines 37-46; the Internet is a network);

- is accessible from a plurality of user terminals (column 3, lines 59-62; column 10, lines 37-46);

- writing a commodity idea into a fundamental information recording file as information (column 4, lines 11-23; idea would have to have been recorded in some sort of file in order to have been presented later);

- generating a Web page from said written information (column 4, lines 11-23; column 10, lines 37-46; presents ideas to users to gauge demand; "browser" and "HTTP" imply invention communicates through Web pages);

- arranging the generated Web page so that the Web page is accessible from the plurality of user terminals (column 10, lines 37-46; column 3, lines 59-62; "browser" and "HTTP" imply invention communicates through Web pages);

- receiving, from said plurality of user terminals, votes concerning information displayed on said Web page (column 4, lines 11-23; column 10, lines 37-46; column 3, lines 59-62; an expression of buyer interest would be a vote; "browser" and "HTTP" imply invention communicates through Web pages);

- registering vote results in an answer recording file (column 4, lines 11-23; an expression of buyer interest would be a vote; votes over time would have to be registered in some type of file for total demand to be gauged);

- a computer-readable recording medium (claims 31 and 32);



- which records a program (claims 31 and 32);
- wherein information is specifications (column 4, lines 11-23; the descriptive information of the particular watch style would be specifications).

Van Horn et al. fails to disclose wherein information is image information. Matsuzaki et al. discloses wherein information is image information (column 11, line 49, through column 12, line 21). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of Van Horn et al. such that information is image information, as disclosed by Matsuzaki et al. Matsuzaki et al. provides motivation in that displaying image information to a user allows the user to determine if he or she wishes to purchase the item (column 11, line 49, through column 12, line 21).

As per **Claims 10 and 12**, Van Horn et al. discloses:

- a method of making a reservation for a commodity over a network (column 8, line 31, through column 9, line 44; the purchases are reservations);
- which is applied to a reservation server (column 8, line 31, through column 9, line 44; column 6, lines 48-52; it is a reservation server because it is used to make reservations [purchases]);
- that is connected to a network (column 10, lines 37-46; the Internet is a network);
- is accessible from a plurality of user terminals (column 3, lines 59-62; column 10, lines 37-46);
- generating a Web page from commodity information for each lot read from a fundamental information file (column 11, lines 29-42; column 10, lines 37-46; column 14, lines

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31-32; column 14, top table; "browser" and "HTTP" imply invention communicates through Web pages; use of databases implies information is stored in files);

- arranging the generated Web page so that the Web page is accessible from the plurality of user terminals (column 10, lines 37-46; column 3, lines 59-62; "browser" and "HTTP" imply invention communicates through Web pages);

- receiving, from said plurality of user terminals, provisional reservations including desired purchasing prices that are determined by referring to the information displayed on said Web page (column 8, line 31, through column 9, line 44; column 3, lines 59-62; column 10, lines 37-46; the provisional reservations are the offers; users make offers in response to product information; "browser" and "HTTP" imply invention communicates through Web pages);

- registering each said provisional reservation in the answer recording file (column 14, lines 31-32; column 14, lines 51-52; column 14, bottom table; the provisional reservations are the offers; use of databases implies information is stored in files);

- calculating demand forecast and a planned selling price from said answer recording file, and sending purchase information to each person having made a provisional reservation by answering said desired purchasing price that satisfies a condition of said planned selling price (column 8, line 31, through column 9, line 44; demand forecast is the volume of units to be sold, calculated as part of determining final price; planned selling price is the final price; demand forecast and planned selling price are calculated from offer information, which is stored in a database; use of databases implies information is stored in files; purchase information is notification of acceptance and product shipment; the provisional reservations are the offers;

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condition of planned selling price is that the desired purchasing price must be greater than or equal to the planned selling price);

- a computer-readable recording medium (claims 31 and 32);
- which records a program (claims 31 and 32);
- wherein information is specifications and price (column 11, lines 5-42; here, the

specifications are the general product information presented to the buyer; the price is the current price presented to the buyer).

Van Horn et al. fails to disclose wherein information is image information. Matsuzaki et al. discloses wherein information is image information (column 11, line 49, through column 12, line 21). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of Van Horn et al. such that information is image information, as disclosed by Matsuzaki et al. Matsuzaki et al. provides motivation in that displaying image information to a user allows the user to determine if he or she wishes to purchase the item (column 11, line 49, through column 12, line 21).

### *Conclusion*

11. **Examiner's Note:** Examiner has cited particular portions of the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Erb whose telephone number is (571) 272-7606. The examiner can normally be reached on Mondays through Fridays, 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nathan Erb  
Examiner  
Art Unit 3639

nhe

  
THOMAS A. DIXON  
PRIMARY EXAMINER